

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA**

In re: Stanley D. Henry,
Debtors

Ronda J. Winnecour, Chapter 13 Trustee,
Movant

vs.

Pingora Loan Servicing, LLC
Respondent

Chapter 13

Bankruptcy No. 18-21613-CMB

Related to Document No. 62, 63 & 70

Hearing: 7/24/2019 at 10:00am

**CONSENT ORDER SETTLING TRUSTEE'S OBJECTION TO NOTICE OF
POSTPETITION MORTGAGE FEES, EXPENSES AND CHARGES**

WHEREAS, on April 24, 2018 Stanley D. Henry (hereinafter "Debtor") filed a Petition under Chapter 13 of the Bankruptcy Code in the United States Bankruptcy Court for the Western District of Pennsylvania;

WHEREAS, Ronda J. Winnecour (hereinafter "the Trustee") is the Chapter 13 Trustee in this case;

WHEREAS, on February 14, 2014, Debtors executed a Mortgage and Note ("Mortgage") with Union Home Mortgage Corp. secured by a lien on Real Property located at 649 Greenlee Road, Pittsburgh, PA 15227;

WHEREAS, on August 24, 2016, the Mortgage was assigned to Pingora Loan Servicing, LLC ("Creditor");

WHEREAS, on June 26, 2018, Creditor filed Proof of Claim No. 10-1, which reflects a secured claim of \$183,570.87 and pre-petition arrears in the amount of \$39,515.52;

WHEREAS, on August 10, 2018, Creditor filed a Notice of Postpetition Mortgage Fees, Expenses and Charges at Claim No. 10 ("the Notice") for Review of Plan, Objection to Plan and Proof of Claim totaling \$1,400.00;

WHEREAS, on May 20, 2019 the Trustee filed an Objection to Creditor's Notice of Postpetition Mortgage Fees, Expenses and Charges at Doc. No. 62 (the "Objection");

WHEREAS, on May 20, 2019, the Court scheduled a hearing on the Trustee's Objection to Creditor's Notices of Postpetition Mortgage Fees, Expenses and Charges for July 2, 2019 at 10:00am;

WHEREAS, on June 17, 2019, Creditor filed a Response to the Trustee's Objection;

WHEREAS, on July 19, 2019, Creditor filed a Supplemental Response to the Trustee's Objection, which includes an Affidavit signed by Creditor and a Loan History reflecting that the postpetition fees totaling \$1,400.00 had been removed from Debtor's account;

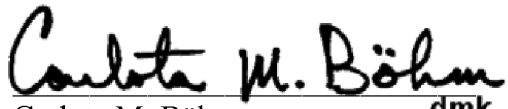
NOW THEREFORE, each in consideration of the promises of the other and intending to be legally bound, subject to the approval of the Bankruptcy Court, it is hereby agreed to settle the Notice of Postpetition Mortgage Fees, Expenses and Charges at Claim No. 10 by and among Ronda J. Winnecour, Esquire, Chapter 13 Trustee, and Creditor, by and through its attorney, Alexandra T. Garcia, Esquire, as follows:

1. Creditor has agreed to waive the attorneys' fees totaling \$1,400.00 so that the total amount of postpetition bankruptcy fees charged to the Debtors' account is reduced to \$0.00.
2. The Chapter 13 Trustee has reviewed the Affidavit and Loan History filed by Creditor and is satisfied that the fees and costs have been removed from Debtor's account.
3. Creditor will not assess any fees, costs, or charges to Debtor's account with regards to the defense of the Trustee's Objection.
4. The attorneys' fees in the amount of \$1,400.00 included in the August 10, 2018 Notice of Postpetition Mortgage Fees, Expenses and Charges are disallowed.
5. The hearing on the Trustee's Motion, currently scheduled for July 23, 2019

6. at 10:00AM EST, is hereby canceled.

IN WITNESS hereof, the parties, by their respective, duly authorized, undersigned
counsel of record and agent, have cause this Consent Agreement to be executed as of the 23rd
day of July 2019. It is hereby Ordered that this Consent Agreement is approved

FILED
7/24/19 8:54 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA



Carlota M. Böhm ^{dmk}
Chief United States Bankruptcy Court Judge
July 24, 2019

/s/ Alexandra T. Garcia
ANN E. SWARTZ, ESQUIRE
ALEXANDRA T. GARCIA, ESQUIRE
McCabe, Weisberg & Conway, LLC
Wells Fargo Bank Building
123 S. Broad Street, Suite 1400
Philadelphia, PA 19109
ecfmail@mwc-law.com
Attorney for Pingora Loan Servicing, LLC

Dated: 7/23/2019

/s/ Ronda J. Winnecour
Ronda J. Winnecour, Esquire
Chapter 13 Trustee
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219
rwinneour@chapter13trusteedpa.com
Chapter 13 Trustee

Dated: 7/23/2019

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FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: Stanley D. Henry,
Debtors

Ronda J. Winnecour, Chapter 13 Trustee,
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Bankruptcy No. 18-21613-CMB

**CERTIFICATION OF COUNSEL REGARDING CONSENT ORDER SETTling TRUSTEE'S
OBJECTION TO NOTICE OF POSTPETITION MORTGAGE
FEES, EXPENSES AND CHARGES**

The undersigned hereby certifies that an agreement has been reached with the Chapter 13 Trustee regarding her Objection to the Notice of Postpetition Mortgage Fees, Expenses and Charges filed by Pingora Loan Servicing, LLC.

The signature requirement of W.P.A.LBR 5005-6 has been followed in obtaining the agreement of all parties and is reflected in the attached document.

The undersigned further certifies that:

☐ An agreed order and a black-lined version showing the changes made to the order originally filed with the court as an attachment to the motion is attached to this Certificate of Counsel. Deletions are signified by a line in the middle of the original text (strikeout) and additions are signified by text in italics. It is respectfully requested that the attached order be entered by the Court.

☒ No other order has been filed pertaining to the subject matter of this agreement.

☐ The attached document does not require a proposed order.

Dated: July 23, 2019

By: /s/ Alexandra T. Garcia
Signature

Alexandra T. Garcia
Typed Name

McCabe Weisberg Conway, LLC
123 South Broad Street, Suite 1400
Philadelphia, PA 19109
(215) 790-1010
I.D. # 307280/ Pennsylvania
PAWB Local Form 26 (07/13)

Certificate of Notice Page 5 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Stanley D. Henry
 Debtor

Case No. 18-21613-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dsaw
 Form ID: pdf900

Page 1 of 1
 Total Noticed: 1

Date Rcvd: Jul 24, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 26, 2019.

db +Stanley D. Henry, 649 Greenlee Road, Pittsburgh, PA 15227-1021

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 26, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 24, 2019 at the address(es) listed below:

Alexandra Teresa Garcia on behalf of Creditor Pingora Loan Servicing, LLC ecfmail@mwc-law.com, ecfmail@ecf.courtdrive.com
 Alexandra Teresa Garcia on behalf of Creditor Pingora Loan Servicing, LLC c/o Flagstar Bank, FSB ecfmail@mwc-law.com, ecfmail@ecf.courtdrive.com
 Alexandra Teresa Garcia on behalf of Creditor PINGORA LOAN SERVICINGS, LLC. ecfmail@mwc-law.com, ecfmail@ecf.courtdrive.com
 Amy L. Zema on behalf of Plaintiff Stanley D. Henry amy@zemalawoffice.com
 Amy L. Zema on behalf of Debtor Stanley D. Henry amy@zemalawoffice.com
 Francis Thomas Tarlecki on behalf of Creditor Flagstar Bank, FSB as servicer for Pingora Loan Servicing, LLC ecfmail@ecf.courtdrive.com, ecfmail@mwc-law.com
 James Warmbrodt on behalf of Creditor Pingora Loan Servicing, LLC bkgroup@kmlawgroup.com
 James Warmbrodt on behalf of Creditor Cenlar FSB as servicer for Pingora Loan Servicing, LLC bkgroup@kmlawgroup.com
 Jeffrey R. Hunt on behalf of Creditor Borough of Whitehall jhunt@grblaw.com, cnoroski@grblaw.com
 Jerome B. Blank on behalf of Creditor PINGORA LOAN SERVICINGS, LLC. pawb@fedphe.com
 Jerome B. Blank on behalf of Creditor Pingora Loan Servicing, LLC pawb@fedphe.com
 Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com, jbluemle@bernsteinlaw.com
 Maria T. Capiral on behalf of Creditor Department Store National Bank bk.mail@quantum3group.com
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
 Ronda J. Winnecour cmecf@chapter13trusteedpa.com
 Thomas Song on behalf of Creditor Pingora Loan Servicing, LLC pawb@fedphe.com

TOTAL: 16